

Remarks

Claims 1, 9 and 17 have been amended.

The Examiner has objected to applicant's title as not being descriptive. Applicants have amended the title to read "IMAGE PICKUP APPARATUS FOR PICKING UP AND RECORDING STILL OR MOVING IMAGES AND A METHOD FOR CONTROLLING THE SAME." The aforesaid title is believed to be descriptive of the invention, thereby obviating the Examiner's objection.

The Examiner has rejected applicant's claims 1-6, 9-14 and 17-22 under 35 U.S.C. §102(e) as being anticipated by the Fellegara, et al. (U.S. 6,441,854) patent. The Examiner has also rejected applicant's claims 7, 15 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Fellegara, et al. patent. Applicant's claims 8, 16 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Fellegara, et al. patent in view of the Uehara (U.S. 5,481,303) patent.

Applicant has amended applicant's independent claims 1, 9 and 17, and with respect to such claims, as amended, and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 1, 9 and 17 have been amended to better define applicant's invention. More particularly, applicant's independent claim 1 has now been amended to recite a control means for, if the processing operation mode has been changed over by the change-over means before finishing writing-in of image data recorded in the volatile recording medium into the nonvolatile recording medium, effecting a processing operation of a mode to which the operation processing mode has been changed over, after finishing writing-in of the image data recorded in the volatile recording medium into the

nonvolatile recording medium. Applicant's independent claims 9 and 17 have been similarly amended.

The constructions recited in applicant's independent claims 1, 9 and 17, and their respective dependent claims, are not taught or suggested by the cited art of record. More particularly, the Examiner has argued that "Fellegara has different means for storage in each image capture mode . . . [and that] changing from one capture mode to the next would require the image data stored in the temporary storage to be recorded in its respective storage means before the mode has been changed over." The Examiner cites column 11, line 61, through column 13, line 17, of the Fellegara, et al. patent to support this argument.

Applicant has reviewed these passages of the Fellegara, et al. patent and they are completely silent as to what occurs during image transfer from a temporary storage to a permanent storage if the image capture mode is switched at that time. Moreover, the fact that each of the modes in the Fellegara, et al. patent has different means of storage does not prevent the modes from being switched during image transfer and is not in and of itself a teaching of requiring image transfer to be completed if mode switching occurs. There is thus nothing disclosed or suggested in the Fellegara, et al. patent to support the Examiner's argument that "image data stored in the temporary memory storage . . . be recorded in its respective storage means before the mode has changed over."

Moreover, in the Fellegara, et al. patent, once the image data is captured into the working memory, the image data can be handled under specific conditions even if the mode has been changed over to another mode before finishing writing-in of the image data into the nonvolatile memory. This is substantiated by the operation in Fellegara, et al. patent of displaying the image data at the display unit when the review switch has been changed over in

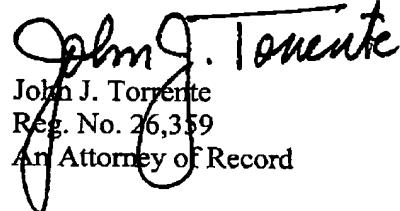
the playback mode after recording. In this regard, the Fellegara, et al. patent discloses that [t]he last captured working image thus can be displayed without requiring availability of the non-volatile memory of the memory card." Col. 13, lines 24-31.

Accordingly, the Fellegara, et al. patent does not teach or suggest a "control means for, if the processing operation mode has been changed over by said change-over means before finishing writing-in of image data recorded in said volatile recording medium into said nonvolatile recording medium, effecting a processing operation of a mode to which the operation processing mode has been changed over by said change-over means, after finishing writing-in of the image data recorded in said volatile recording medium into said nonvolatile recording medium." Applicant's amended independent claims 1, 9 and 17, and their respective dependent claims, all of which recite such features, thus patentably distinguish over the Fellegara, et al. patent. Moreover, there is nothing taught or suggested in the Uehara patent to change this conclusion.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 682-9640.

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Respectfully submitted,


John J. Torrente
Reg. No. 26,359
An Attorney of Record

ROBIN, BLECKER & DALEY
330 Madison Avenue
New York, New York 10017
T (212) 682-9640